

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 DAVID HENRY YOUNG,)
9 Petitioner,) 2:11-cv-01532-KJD-PAL
10 vs.)
11 BRIAN WILLIAMS, et al.,) ORDER
12 Respondents.)

14 The petitioner has presented the Court with a petition for writ of habeas corpus pursuant
15 to 28 U.S.C. § 2254 (received September 23, 2011) and an application to proceed *in forma pauperis*
16 (ECF No. 1).

17 The petitioner's application to proceed *in forma pauperis*, including the financial
18 certificate, establishes that the petitioner qualifies for *informa pauperis* status. He shall be granted leave
19 to proceed *in forma pauperis*, and shall not be required to pay the filing fee for his habeas corpus
20 petition.

21 A petition for federal habeas corpus should include all claims for relief of which
22 petitioner is aware. If petitioner fails to include such a claim in his petition, he may be forever barred
23 from seeking federal habeas relief upon that claim. *See* 28 U.S.C. §2254(b) (successive petitions). If
24 petitioner is aware of any claim not included in his petition, he should notify the Court of that as soon
25 as possible, perhaps by means of a motion to amend his petition to add the claim.

1 **IT IS THEREFORE ORDERED** that petitioner's application to proceed *in forma*
2 *pauperis* (ECF No. 1) is **GRANTED**. Petitioner shall not be required to pay a filing fee to file his
3 habeas corpus petition.

4 **IT IS FURTHER ORDERED** that the Clerk shall **FILE** and **ELECTRONICALLY**
5 **SERVE** the petition (ECF No. 1) upon the respondents.

6 **IT IS FURTHER ORDERED** that respondents shall have **forty-five (45)** days from
7 entry of this order within which to answer, or otherwise respond to, the petition. In their answer or other
8 response, respondents shall address any claims presented by petitioner in his petition as well as any
9 claims presented by petitioner in any Statement of Additional Claims. Respondents shall raise all
10 potential affirmative defenses in the initial responsive pleading, including lack of exhaustion and
11 procedural default. **Successive motions to dismiss will not be entertained.** If an answer is filed,
12 respondents shall comply with the requirements of Rule 5 of the Rules Governing Proceedings in the
13 United States District Courts under 28 U.S.C. §2254. If an answer is filed, petitioner shall have **forty-**
14 **five (45) days** from the date of service of the answer to file a reply.

15 **IT IS FURTHER ORDERED** that, henceforth, petitioner shall serve upon the Attorney
16 General of the State of Nevada a copy of every pleading, motion, or other document he submits for
17 consideration by the Court. Petitioner shall include with the original paper submitted for filing a
18 certificate stating the date that a true and correct copy of the document was mailed to the Attorney
19 General. The Court may disregard any paper that does not include a certificate of service. After
20 respondents appear in this action, petitioner shall make such service upon the particular Deputy Attorney
21 General assigned to the case.

22 DATED: November 2, 2011



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UNITED STATES DISTRICT JUDGE

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